

REMARKS

Favorable reconsideration is respectfully requested.

The claims are 1, 2, 4-8 and 10-14.

Claims 1, 5, 7, 11 and 12 are currently amended.

With regard to the amendments to claims 1 and 7:

The amendment to the tantalum amount is supported at page 7, and in Example 1, of the specification. The amendment to the carbon content is supported at page 9, second full paragraph, and in Example 1, of the specification. The amendment to the boron content is supported at page 9, third full paragraph, and in Example 1 of the specification. The remaining amendments are editorial and self-explanatory.

No new matter is added.

Claims 11 and 14 are objected to under 37 C.F.R. 1.75(c) as being in improper form.

Claim 11 is currently amended to address this objection.

Claims 5, 7, 8, 10, 12 and 13 are rejected under 35 U.S.C. 112, second paragraph as being indefinite. Claims 5 and 12 are currently amended to not depend upon cancelled claims. The claims are also currently amended to delete the recitation of conflicting amounts of tantalum in the claims.

Claim 7, 8, 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Hara et al. (U.S. Patent 5,482,789) in view of Cetel et al. (US Patent 6,007,645).

Claims 1, 2, 4-6 and 13 are also rejected under 35 U.S.C. 103(a) as being unpatentable over O'Hara et al. in view of Cetel et al., and further in view of the Schweizer et al. (US Patent 4,222,794), Meetham et al. (US Patent 4,459,160), Yamazaki et al. (US Patent 4,707,192), Darolia et al. (US Patent 4,849,030) and Ault (US Patent 4,975,124).

Applicants respectfully traverse each of these rejections.

O'Hara et al. discloses an upper limit of C of 0.06 wt%. Although O'Hara et al. discloses in the Abstract that the upper limit of C is 0.3% in atomic percent, the whole disclosure of O'Hara et al. demonstrates that 0.3 atomic% is a typographical error, and that 0.3 atomic %

should be read as 0.03 atomic%. Only 0.03% is within the technological concept of O'Hara. Similarly, as the Examiner indicates in paragraph 7(b) of the Official Action, O'Hara et al. also discloses 0.05% of C in the Examples of Table 1. The unit of % is not clearly disclosed in Table 1 of O'Hara et al., but the units must be read as wt% as shown by the whole disclosure of O'Hara et al. 0.07 percent by weight of C, which is the lower limit of C of claim 7, is clearly beyond the range of C disclosed by O'Hara et al.

In addition, O'Hara et al. discloses the upper limit of B is 0.01 wt%. The lower limit B of amended claim 7 is 0.015 percent by weight, which is clearly beyond the range of B of O'Hara et al.

Cetel et al. discloses a superalloy composition in which neither C nor B is present. The Examiner alleges in paragraph 7 (b) of the Official Action that Cetel et al., claim 1, indicates a boron content as high as 0.05 atomic % to be within the scope of the prior art. However, both 0.01 weight% and 0.05 atomic % (equal to 0.01 wt%) of B are below the 0.015 percent by weight that is the lower limit of B of present claim 7.

In paragraph 5(a) of the Official Action, the Examiner asserts that Cetel et al. indicates the conventionality in the art of using as little as 4 weight% tantalum in similar nickel-base superalloys. However, Cetel et al. discloses, in column 1, 4% tungsten, and 12%, 6%, 6.4% and 9% tantalum. There is no disclosure in Cetel et al. that supports the Examiner's assertion. In fact, 5.8 percent by weight as an upper limit of Ta is not disclosed in either O'Hara et al. or Cetel et al. Accordingly, the superalloy composition of present claim 7 is substantially and distinctly different from the composition disclosed in either O'Hara et al. or Cetel et al., and is also not suggested by the combination of O'Hara et al. and Cetel et al.

Claim 7 would not be obvious over the combination of O'Hara et al. and Cetel et al. Claims 8, 10 and 12 would also not be obvious over the combination for the same reasons.

With respect to paragraph 6 of the Official Action, claims 1, 2, 4-6 and 13 would not be obvious over the combination of O'Hara et al. and Cetel et al., in view of Schweizer et al., Meetham et al., Yamazaki et al., Darolia et al. and Ault, for the reasons given above as well.

No further issues remaining, allowance of this application is respectfully requested.

If the Examiner has any comments or proposals for expediting prosecution, please contact undersigned at the telephone number below.

Respectfully submitted,

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